

REGULAR MEETING

March 27, 2012

At a regular meeting held this evening at 7:00 p.m., there were present: Mayor Richard A. Baugh, Vice-Mayor Ted Byrd, Council Members Kai Degner, Charles Chenault and David Wiens. Also present: City Manager Kurt D. Hodgen, Assistant City Manager Anne C. Lewis, City Attorney Earl Q. Thumma, Jr., and City Clerk Erica S. Kann and Police Chief Harper. Absent: None.

Mayor Baugh gave the invocation and also led everyone in the Pledge of Allegiance.

Vickie Heitsch, Robert Heitsch and Aaron Gusler, stated several students that bike to Thomas Harrison Middle School would soon be traveling to the high school and felt there isn't a safe route to ride. They asked Council to consider a temporary bike path along Erickson Avenue, while the road was under construction, to help the students arrive safely. Ms. Heitsch stated that she had been in contact with Thanh Dang and the Transportation Safety & Advisory Commission and they are looking into the request.

Vice-Mayor Byrd offered a motion to approve the following items on the consent agenda:

- a. Approval of minutes of the previous meeting, and dispensing with reading of minutes.
- b. Consider request for supplemental appropriations for Public Transportation in the amount of \$314,612.

The motion was seconded by Council Member Chenault and approved with a recorded roll call vote taken as follows:

Yes – Mayor Baugh, Vice-Mayor Byrd, Council Member Degner, Council Member Chenault and Council Member Wiens

No – None

June Hosaflook, Commissioner of the Revenue, stated she had tax exemption requests from Crossroads Brain Injury Recovery, Inc. for exemption of personal property tax and Rockingham Fine Arts Association for exemption of real estate tax. Mrs. Hosaflook reviewed the process for the non-profit when they file an application and City Council's authority to exempt the non-profit organizations.

Mrs. Hosaflook stated Crossroads Brain Injury Recovery is located and occupied four offices in Blue Ridge Hall of James Madison University. Mrs. Hosaflook reviewed the mission, services provided, and primary funding of the non-profit organization. Mrs. Hosaflook stated the personal property taxes due total \$522.00, the total assessed value of the office furniture and equipment on January 1, 2012 is \$5,000.00, and the 2012 tax levy

is \$100.00. Mrs. Hosaflook stated the review committee recommended that the applicant be granted exemption to their personal property taxes.

Mrs. Hosaflook stated Rockingham Fine Art Association is located at 486 West Market Street. Mrs. Hosaflook reviewed the mission, services provided, and primary funding of the non-profit organization. Mrs. Hosaflook stated the association has owned the real estate since December 31, 2002 and there are no taxes due. Mrs. Hosaflook stated the total assessed value of the property on January 1, 2012 is \$225,700.00 and the 2012 tax levy is \$1,331.63. Mrs. Hosaflook stated the review committee recommended that the applicant be granted exemption to their real estate property taxes.

Council Member Degner asked about the fees being reasonable for classes provided by the Rockingham Fine Art Association. Mrs. Hosaflook stated she did not review those, but there was a representative that could answer any questions.

Mayor Baugh stated if no one showed objection one public hearing would be held for both non-profit organizations. Mayor Baugh closed the regular session and called the evening's first public hearing to order at 7:10 p.m. The following notice appeared in the Daily News-Record on Tuesday, March 20, 2012.

**CITY OF HARRISONBURG
NOTICE OF PUBLIC HEARING**

Please take notice that on March 27, 2012 at 7:00 p.m. in the City Council Chamber, 409 South Main Street, Harrisonburg, Virginia, the Harrisonburg City Council will conduct a public hearing, pursuant to Section 4-2-17 of the Harrisonburg City Code, as amended, concerning the following requests by non-profit corporations for exemption from local taxation:

Crossroads to Brain Injury Recovery, Inc., Blue Ridge Hall MSC 9020, Harrisonburg, VA 22807. The assessed value of the applicant personal property for the year 2012 is \$5,000.00. The taxes assessed by the City for the year 2011 were \$136.00; for the year 2010, \$180.00; and for the year 2009, \$206.00.

Rockingham Fine Arts Association, 486 West Market Street, Harrisonburg, VA 22801. The assessed value of the applicant real property for the year 2012 is \$225,700.00. Taxes assessed by the City for 2011 were \$1,331.63; for the year 2010, \$1,318.65; for the year 2009, \$1,325.73.

Public comments on the proposed exemptions are invited, and all citizens shall have an opportunity to be heard. Further information is available from the Commissioner of the Revenue Office at 345 South Main Street, Harrisonburg, Virginia between the hours of 8:00 a.m. to 5:00 p.m., Monday through Friday.

**Kurt D. Hodgen,
City Manager**

Michelle Witt, Executive Director of Crossroads to Brain Injury Recovery, Inc., stated the organization consists of four part-time staff that aid roughly 66 individuals a year that have been affected by brain injury. Ms. Witt stated the organization works towards getting the individuals after injury back in their homes and community. Ms. Witt stated the money they receive is from State General Funds. Ms. Witt asked if the back taxes in the amount of \$552.00 could also be exempted. Ms. Witt thanked Council for their time and consideration.

Mayor Baugh advised Ms. Witt to contact the City Manager about the request for the back taxes.

Donna Logan, Board President Spitzer Arts Center, stated Mary Spitzer donated her house, which was built in 1897, to the Rockingham Fine Arts Association. Ms. Logan stated the organization strives to make classes affordable and to help do that the organization is thankful for the many hours through volunteers. Ms. Logan stated the Virginia Museum is a great asset to their organization.

At 7:16 p.m., Mayor Baugh declared the public hearing closed and the regular session reconvened.

Council Member Degner offered a motion to approve both personal property tax exemption from Crossroads to Brain Injury Recovery, Inc. and real estate tax exemption from Rockingham Fine Arts Association as presented. The motion was seconded by Council Member Chenault and approved with a recorded roll call vote taken as follows:

Yes – Mayor Baugh, Vice-Mayor Byrd, Council Member Degner, Council Member Chenault and Council Member Wiens

No – None

Dr. Scott Kizner, School Board Superintendent, stated Harrisonburg City Schools total 5,037 students of which include: 36.9% LEP students, 14% special education students, and 63.7% of students on free/reduced lunches. Dr. Kizner stated there are 825 employees and 55.8% are licensed staff with advanced degrees. Dr. Kizner stated the budget is divided into five goals which include: promote outstanding achievement, high standards and expectations for learning; promote the involvement and enhance the professional development of all staff; promote student personal growth so that each can become a responsible contributing citizen; promote community support and involvement in the schools; and promote organizational efficiency and protection of assets. Future challenges and opportunities include: growth; attracting and maintaining teachers; federal benchmarks for “annual yearly progress (AYP)” increase significantly during the next three years; new teacher evaluation system; new math, science, and English standards; increase high-school on-time graduation rate and advanced diplomas for all students; and greater inclusion of ELL and minority students in AP and other advance classes; ensuring

our teachers and students have access to technology and other resources that will improve teaching and learning; middle and high school STEM Academy; Fine Arts Academy; meeting the diverse economic, language and learning needs of all our students; SOL standard test exemptions for children with disabilities and ELL have been reduced significantly by State regulations; and the unknown. Recent accomplishments are as follows: high school reached the graduation completion index requirement; increased number of middle school students taking high school credit classes; music and drama offerings have increased; elementary foreign language program started; elementary and middle school STEM enrichment activities are being offered; and the development of a comprehensive benchmark assessment system and learning “walkthrough” model is in place; the continued development of a district leadership team to focus on best practices for teaching and learning; expansion of University Partnerships; expansion of extended learning opportunities for our students including after school enrichment/instruction; expansion of technology to improve learning; enhanced parent-school communication system; many students and teachers received state and national awards and recognitions; and much more. Dr. Kizner stated the budget assumptions are those that follow: uses average daily membership (ADM) of 4,710, current budget based on 4,417 ADM; state revenues based on December 19, 2011, Governor’s presented budget and subsequent executive amendments; assumes the appropriation of \$900,000 from the division’s unappropriated fund balance to fund VRS requirements. Budget highlights: added 3 FTE positions; included 5.75% raise for employees to “hold harmless” for payment into VRS; includes 11.66% HCPS contribution to VRS; employee will pay 5% toward the VRS contribution; assumes HCPS full payment of employee-only health premium (\$275,000); and includes \$398,432 transportation adjustment per City recommendation (revenue and expenditure). Dr. Kizner reviewed the proposed VRS legislation and the transportation adjustments. Dr. Kizner reviewed the budget increases of \$4,372,727 which included the following: support new VRS requirements; payment of 100% employee only health insurance; increase in insurance participation; summer school/enrichment; transportation; band; instructional programming; three additional FTE; increase in utilities; and transportation adjustment. Dr. Kizner reviewed the budget decrease in the amount of \$778,687 which includes the following: school allocations; athletics; maintenance; federal non-personnel programs; decrease in technology function due to expiration of the federal educational technology grant. Dr. Kizner stated the FY 2013 proposed budget totals \$58,139,929. Dr. Kizner asked Council to consider \$25,239,054 be appropriated, a \$39,011 increase, but once State adopts their budget may reduce appropriated funds. Dr. Kizner stated \$4,000.00 per child is received from the State and with the population growing it is considered Continued State Revenue. Dr. Kizner suggested the School Liaison Committee review this on how to handle the Continued State Revenue. Question came up about the Pre-K program being a State requirement. Dr. Kizner stated it wasn’t a State requirement, but it is a great asset to the community help those children that need the support to get an education and not fall behind. How many retirees? Dr. Kizner stated currently 17 teachers and two administrative. Dr. Kizner stated at the end of next year there would most likely be an increase due to changes in retirement benefits effective July 1, 2014.

Dr. Kizner presented the proposed FY2013 School Nutrition Budget in the amount of \$2,677,210 a \$156,840.00 increase. He reviewed the expenditures by object and by source. Dr. Kizner also informed Council the food would increase \$0.05.

Discussion during the School Liaison Committee suggested School Board should make presentations at least twice a year to Council of items happening within the school system. No objections were made due to the money that is invested.

Thanh Dang, Public Works Planner, reviewed the background to the Land & Water Conservation Fund Act of 1965. Mrs. Dang reviewed the grant application for Bluestone Trail which included help fund construction of .38-miles of Bluestone Trail within Purcell Park (Phase I of Bluestone Trail is 1.1-miles) that is estimated at \$1,330,000.00. Mrs. Dang stated the estimate for Purcell Park portion is \$462,000.00. Mrs. Dang stated the grant request is for \$200,000.00 and required a \$262,000.00 City match. Mrs. Dang reviewed the grant project and schedule which started with the submission of the grant March 19, 2012 and the project being complete by February 2013. Mrs. Dang also stated the funds must be expended within three years of agreement date. Mrs. Dang presented the following resolution for Council's consideration:

Land & Water Conservation Fund Authorizing Resolution

A resolution authorizing application for federal funding assistance from the Land and Water Conservation Fund (LWCF) to the Virginia Department of Conservation & Recreation (DCR) as provided in the LWCF Act of 1965, as amended.

WHEREAS, under the provisions of LWCF, federal funding assistance is requested to aid in financing the cost of land acquisition and/or facility development; and

WHEREAS, the City of Harrisonburg, VA considers it in the best public interest to complete the development project described in the application;

NOW, THEREFORE, BE IT RESOLVED that:

- 1. The City Manager be authorized to make formal application to DCR for funding assistance;**
- 2. Any fund assistance received be used for implementation and completion of the Bluestone Trail within Purcell Park within the specified timeframe;**
- 3. The City of Harrisonburg hereby certifies that project funding is currently available and is committed for this project;**
- 4. We are aware that the grant, if approved by the National Park Service, will be paid on a reimbursement basis. This means we may only request payment after eligible and allowable costs have already been paid to our vendors and evidence of such has been provided to DCR in the format required;**

5. We acknowledge that any property developed with financial aid from the Land & Water Conservation Fund must be placed in use and be retained in perpetuity as a public outdoor recreation area in accordance with the provisions and requirements of the Land & Water Conservation Fund Act of 1965, as amended;

6. We acknowledge that any property no non-recreational uses may be made of the property without undergoing a conversion of use process and obtaining approval from the Department of Conservation and Recreation and the U.S. Department of Interior/National Park Service;

7. We acknowledge that we are responsible for compliance with the National Environmental Policy Act, Endangered Species Act, Historic Preservation Act and all other applicable state and federal laws;

8. We acknowledge that appropriate opportunity for public comment will be provided on this application and evidence of such is a required component for approval;

9. This resolution becomes part of a formal application to the Virginia Department of Conservation & Recreation.

This resolution was adopted by City of Harrisonburg during the meeting held on March 27, 2012.

Council Member Kai Degner

Council Member Charlie Chenault

Council Member David Wiens

Vice-Mayor Ted Byrd

Mayor Richard Baugh

Attest: City Clerk

Questions about Fund Balance funds available for the match required. City Manager Hodgen stated available Funds Balance funds are available and could be used towards the trail or matching funds. City Manager Hodgen stated the funds that we have even with grants matched any of the trail projects pending or any phases could not be completed. City Manager Hodgen stated he recommended approval of this resolution to able to utilize grants that are being offered to help getting this project started.

Council Member Chenault offered a motion to approve the resolution as presented. The motion was seconded by Council Member Degner and approved with a recorded roll call vote taken as follows:

Yes – Mayor Baugh, Vice-Mayor Byrd, Council Member Degner, Council Member Chenault and Council Member Wiens

No – None

City Manager Hodgen presented a request to establish a Capital Improvement Program fund for the City's water system. City Manager Hodgen stated this is for the purpose of setting up an account for a water tank that will eventually be built in the Park View area and the Public Utilities Director recommended setting up an account for the project. City Manager Hodgen stated that this is money already included in the budget. Council Member Chenault offered a motion to approve the supplemental appropriation as presented, and that:

\$526,348.13 chge. to: 1321-910161-48627 Water Tank Repairs
603,346.07 chge. to: 1321-910161-48657 Water Storage Tanks

\$1,129,694.20 approp. to: 1321-910161-48688 Pumping, Storage, and Monitoring

The motion was seconded by Vice-Mayor Byrd and approved with a recorded roll call vote taken as follows:

Yes – Mayor Baugh, Vice-Mayor Byrd, Council Member Degner, Council Member Chenault and Council Member Wiens

No – None

Police Chief Harper presented three supplemental appropriations, which can only be used for law enforcement, and they are those that follow:

Police Chief Harper stated funds in the amount of \$6,000.00 will be transferred from the State Asset Seizures to the Building and Grounds line item budget to complete the office renovations of the newly acquired floor of the Public Safety Building.

Police Chief Harper stated funds in the amount of \$13,956.46 will be transferred for money recovered through DMV grant from Selective Enforcement (alcohol).

Police Chief Harper stated funds in the amount of \$2,206.89 will be transferred from money recovered from JMU events that were worked.

Vice-Mayor Byrd offered a motion to approve the supplemental appropriation as presented, and that:

\$6,000.00 chge. to: 1000-31010 Amount from Fund Balance

\$6,000.00 approp. to: 1000-310131-48281 Buildings and Grounds

\$13,956.46 chge. to: 1000-33524 Federal DMV Grant

\$400.02 approp. to: 1000-310631 Training and Travel

5,441.44 approp. to: 1000-310231-41020 Salaries/Wages OT

7,480.00 approp. to: 1000-310231-46100 Police Supply

595.00 approp. to: 1000-310631-46140 Other Operating Supply

\$2,206.89 chge. to: 1000-31677 JMU Overtime Reimbursement

\$2,206.89 approp. to: 1000-310231-41020 Salaries/Wages OT

The motion was seconded by Council Member Degner and approved with a recorded roll call vote taken as follows:

Yes – Mayor Baugh, Vice-Mayor Byrd, Council Member Degner, Council Member Chenault and Council Member Wiens

No – None

Mayor Baugh presented Police Chief Harper with the following resolution:

**A RESOLUTION HONORING DONALD G. HARPER FOR HIS SERVICE
AS CHIEF OF POLICE OF THE CITY OF HARRISONBURG**

WHEREAS, Donald “Don” G. Harper has served the citizens of the City of Harrisonburg for the last 20 years as the Chief of Police; and

WHEREAS, upon his retirement on March 31, 2012, he will have completed 48 years of law enforcement service in the Commonwealth of Virginia; and

WHEREAS, Colonel Harper has overseen the growth and development of the Harrisonburg Police Department to 86 sworn officers, 13 civilian full time, three part time employees and 16 auxiliary officers during his tenure; and

WHEREAS, new programs and services such as canines, bike patrols, the Internet Crimes Against Children task force, Citizen Police Academy, and computer forensics were established and developed under Colonel Harper’s leadership; and

WHEREAS, his performance and dedication to duty over the course of his career in law enforcement has earned him the respect and admiration of the Harrisonburg Police Department as well as the law enforcement community throughout the Commonwealth;

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Harrisonburg does hereby express its appreciation and gratitude to Colonel

Donald “Don” G. Harper for his exemplary service to the City and wishes him happiness and good health in his retirement.

Adopted this ____ day of _____, 2012.

Attest: Erica S. Kann, City Clerk

Richard Baugh, Mayor

Police Chief Harper thanked Council for their support of the Police Department over the years. Police Chief Harper also stated it had been a pleasure to work under both the City Manager and Assistant City Manager.

City Manager Hodgen stated Rockingham County plans to submit for a rezoning request for a 184 unit student housing project on Port Republic Road, just east of the City limits. City Manager Hodgen stated it is unclear if the County would approve this rezoning. City Manager Hodgen stated he had asked staff to review and address some concerns and they are as follows: traffic volume, holes in student housing inventory, families moving in empty housing units and increase City School overpopulation. City Manager Hodgen stated if the County decides to proceed the City would possibly be connecting water, sewer, and providing transportation to the project. City Manager Hodgen stated someone, other than the City, would be paying for the transportation to the project. Council felt a staff/council/planning commission letter outlining concerns would be appropriate to provide to the County.

Council Member Degner stated he was unable to attend the last Metropolitan Planning Organization (MPO) meeting and wondered the outcome of the vote. The group passed the plan as presented.

City Attorney Thumma stated the completion of Phase I of Stone Spring/Erickson Avenue project, which included moving the railroad, which VDOT handled all of the negotiation. City Attorney Thumma stated the City is still trying to get from them the portion of the old Harrisonburg Warm Springs Turnpike, which lies within the City that is conveyed to us. City Attorney Thumma presented the following resolution for Council’s consideration:

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HARRISONBURG,
VIRGINIA, REQUESTING THAT THE VIRGINIA DEPARTMENT OF
TRANSPORTATION (VDOT) CONVEY A PORTION OF THE
RIGHT OF WAY TO THE OLD HARRISONBURG-WARM SPRINGS
TURNPIKE**

WHEREAS, the City of Harrisonburg has completed the construction of the Erickson Ave/Stone Spring Road Phase I project; and

WHEREAS, as a result of the project the City of Harrisonburg has a need to have a portion of the Old Harrisonburg-Warm Springs Turnpike right of way, which lies within the project limits, and the city limits, conveyed to the City and a small portion of the Turnpike which lies in Rockingham County, Virginia, conveyed to the Norfolk Southern Railway Company, to accommodate the relocation of the railroad for the said project;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF HARRISONBURG, VIRGINIA:

That the City Council of the City of Harrisonburg, Virginia, does hereby request that the Virginia Department of Transportation (VDOT) convey that portion of the Old Harrisonburg-Warm Springs Turnpike, which lies within the city limits, between South High Street and the southern city/county line as shown on Exhibit B, attached hereto and made a part hereof, to the City of Harrisonburg, a Virginia municipal corporation and further convey the small portion of the Old Harrisonburg-Warm Springs Turnpike, which lies in Rockingham County, Virginia, as shown on Exhibit C, attached hereto and made a part hereof, to the Norfolk Southern Railway Company.

Approved: March 27, 2012.

MAYOR

ATTEST:

CLERK OF THE COUNCIL

Vice-Mayor Byrd offered a motion to approve the resolution as presented. The motion was seconded by Council Member Chenault and approved with a recorded roll call vote taken as follows:

Yes – Mayor Baugh, Vice-Mayor Byrd, Council Member Degner, Council Member Chenault and Council Member Wiens

No – None

Vice-Mayor Byrd congratulated Thomas Harrison Middle School on their great production of “Aladdin, Jr.”.

Mayor Baugh announced the National Invitation Tournament (NIT) Semifinal JMU Girls Basketball game will be held Wednesday, March 27, 2012 at 7:00 p.m., at JMU.

Mayor Baugh read a proclamation proclaiming April 2, 2012 as Arbor Day.

Council had brief discussion on the specific qualifications for the Building Code Appeals' vacant position. To serve on this board the applicant does not need to be a City resident.

At 8:30 p.m., Vice-Mayor Byrd offered a motion to enter into closed session for discussion and consideration of personnel and prospective candidates for employment by the City, exempt from the public meeting requirements pursuant to Section 2.2-3711(A)(1) of the Code of Virginia. The motion was seconded by Council Member Chenault and approved with a recorded roll call vote taken as follows:

Yes – Mayor Baugh, Vice-Mayor Byrd, Council Member Degner, Council Member Chenault and Council Member Wiens

No – None

At 9:00 p.m., the closed session ended and the regular session reconvened. City Attorney Thumma read the following statement, which was agreed to with a unanimous recorded vote of Council: I hereby certify to the best of my knowledge and belief that (1) only public matters lawfully exempt from open meeting requirement pursuant to Chapter 21 of the Title 2.1 of the Code of Virginia, 1950, as amended, and (2) only such public business matters as were identified in the motion by which the closed session was convened, were heard, discussed, or considered in the closed session by the City Council.

At 9:45 p.m., there being no further action and on motion adopted, the meeting was adjourned.

CITY CLERK

MAYOR